THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.14927 of 1996

Date:28.02.2006

Between:

Smt.D.Subbalakshmi

-------PETITIONER

AND

The Land Reforms Tribunal and others

---------RESPONDENTS

ORDER:

The petitioner is the wife of late D.Narasimha Raju. Her marriage took place at a time when she was a child. Within a short time thereafter, her husband died and the petitioner continued as a widow without any issues. She states that at the time of her marriage, her father gave an extent of Acs.9.64 cents of land in Sy.Nos.39/1, 39/2, 43/1, and 44/3 of Gadilanka Village, Mumidivaram Mandal, East Godavari District towards 'pasupukunkuma'. She states that after the death of her husband, she started living with her parents.

Late Narasimha Raju has a son by name K.Venkata Satyanarayana Raju. The fourth respondent is his son and the fifth respondent is his grand son.

By the time the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 (for short 'the Act'), came into force, the fourth respondent was alive. A declaration was filed by the fourth respondent on behalf of himself and the fifth respondent. The lands that were said to have been gifted to the petitioner were also included in the declaration, before the Land Reforms Tribunal, Kakinada. Ultimately, the Land Reforms Tribunal passed an order, dated 06.07.1991, holding that the

fourth respondent is liable to surrender 0.5257 standard holdings of land. When the petitioner was sought to be dispossessed in June-July, 1996, she filed an application before the Land Reforms Tribunal. The application is said to have been returned without any endorsement. Thereupon, she filed an appeal before the Land Reforms Appellate Tribunal, Kakinada being L.R.A.(SR) No.388 of 1996. The Appellate Tribunal, in turn, rejected the appeal on the ground that there was no order of Land Reforms Tribunal, which can be dealt with in the appeal. The petitioner challenges the action of the authorities under the Act.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

Though the State and the Central Legislatures have been making efforts to protect the rights of the women, particularly, the widows, the plight of the petitioner got complicated at every stage for the last several years. On the death of her husband, she became a widow at very young age and she started living with her parents. Acs.9.64 cents of land which was said to have been given to her towards 'pasupukunkuma' virtually became her personal property, as a member of the family of her parents. She was not aware that the fourth respondent included the said land in the declaration filed by him before the Land Reforms Tribunal. Whatever may have been the justification for the Tribunal to have treated that part of the land and required the fourth respondent to surrender the excess land, it ought to have examined the application of the petitioner, which was submitted by her at the stage of surrender proceedings. Not even an endorsement was made. The Land Reforms Appellate Tribunal did not entertain the appeal without passing any order. For all practical purposes, the Primary and Appellate Tribunals have shut the doors for the petitioner.

It must not be forgotten that the proceedings under the Act are ex-proprietary in nature and before a citizen is made to part with the property, the procedure must be followed. The affected persons should be given an opportunity. There does not exist any justification for the Land Reforms Tribunal as well as the Appellate Tribunal in refusing to entertain the claim of the petitioner.

For the foregoing reasons, the writ petition is allowed and it is directed that the claim submitted by the petitioner herein shall be entertained and examined by the Land Reforms Tribunal, Kakinada on merits, without raising any objection as to the maintainability or limitation.

The possession of the petitioner was protected on the strength of an interim order passed in this writ petition as well as the order in C.C.No.18961 of 1997. It has come on record that the petitioner is in possession of the land. The same shall continue till the Land Reforms Tribunal disposes of the application of the petitioner. The Tribunal shall expedite the matter and decide the claim within a period of six months from the date of receipt of a copy of this order. To avoid further complication in the matter, the petitioner is permitted to submit a copy of the representation afresh.

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28.02.2006

kdl